

S.D.N.Y. – W.P.  
22-cv-6950  
Halpern, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of February, two thousand twenty-three.

Present:

John M. Walker, Jr.,  
Gerard E. Lynch,  
Beth Robinson,  
*Circuit Judges.*

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40 Days for Life, a nonprofit corporation of the State of Texas,  
et al.,

*Plaintiffs-Appellants,*

Jane Doe, Sally Roe,

*Plaintiffs,*

v.

23-155

County of Westchester,

*Defendant-Appellee,*

County of Westchester County Department of Public Safety,  
et al.,

*Defendants.*

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Appellants move for an injunction pending appeal and for an expedited briefing schedule. Upon due consideration, it is hereby ORDERED that the motion for an injunction pending appeal is DENIED for failure to comply with Federal Rule of Appellate Procedure 8(a). Fed. R. App. P.


8(a)(2)(A) (providing that an injunction pending appeal is warranted only if the movant “show[s] that moving first in the district court would be impracticable” or that “a motion having been made, the district court denied the motion or failed to afford the relief requested”); *see Agudath Isr. of Am. v. Cuomo*, 980 F.3d 222, 225 (2d Cir. 2020) (per curiam). In any event, Appellants have failed to meet the requisite standard for an injunction pending appeal. *See Agudath Isr. of Am.*, 980 F.3d at 225–26.

It is further ORDERED that the request for an expedited briefing schedule is GRANTED. *See* Fed. R. App. P. 2. It is further ORDERED that this appeal shall be heard in tandem with the appeal docketed under *Vitagliano v. County of Westchester*, 2d Cir. 23-30. The Clerk of Court is directed to schedule expedited briefing and calendar this appeal for the first available panel after the appeal is fully briefed.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe



A True Copy

Catherine O’Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



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